

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MITCHELL KEITH GOODRUM,

Plaintiff,

v.

STATE OF NEVADA, *et al.*,

Defendants.

Case No. 3:20-cv-00173-MMD-WGC

ORDER

I. DISCUSSION

On March 18, 2020, Plaintiff, an inmate in the custody of the Nevada Department of Corrections ("NDOC"), submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 (ECF No. 1-1). Plaintiff neither paid the full \$400 filing fee nor filed an application to proceed *in forma pauperis*.

On March 19, 2020, this Court issued an order directing Plaintiff to file a fully complete application to proceed *in forma pauperis* or pay the full \$400 filing fee for a civil action within sixty (60) days from the date of that order. (ECF No. 3).

On April 22, 2020, Plaintiff filed an application to proceed *in forma pauperis*. (ECF No. 4). Plaintiff's application is incomplete. Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. Plaintiff has not submitted a properly executed financial certificate or an inmate account statement for the past six months. (See ECF No. 4). As such, Plaintiff's *in forma pauperis* application at ECF No. 4 is denied without prejudice.

Plaintiff will be granted one final opportunity to cure the deficiencies of his application to proceed *in forma pauperis*, or in the alternative, pay the full \$400 filing fee for this action. If Plaintiff chooses to file a new application to proceed *in forma pauperis*, he must file a fully complete application to proceed *in forma pauperis*, including a properly executed financial certificate and inmate account statement for the past six months, no

1 later than **June 12, 2020**. If Plaintiff files another incomplete application to proceed *in*
2 *forma pauperis*, the Court will dismiss the case in its entirety, without prejudice, for Plaintiff
3 to file a new case when Plaintiff is able to acquire the necessary documents to file a
4 complete application to proceed *in forma pauperis*.

5 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1) but will not file it
6 until the matter of the payment of the filing fee is resolved.

7 **II. CONCLUSION**

8 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed
9 *in forma pauperis* (ECF No. 4) is DENIED without prejudice to file a new fully complete
10 application.

11 IT IS FURTHER ORDERED that the Clerk of the Court WILL SEND Plaintiff the
12 approved form application to proceed *in forma pauperis* by a prisoner, as well as the
13 document entitled information and instructions for filing an *in forma pauperis* application.

14 IT IS FURTHER ORDERED that no later than **June 12, 2020**, Plaintiff will either:
15 (1) file a fully complete application to proceed *in forma pauperis*, on the correct form with
16 complete financial attachments in compliance with 28 U.S.C. § 1915(a); or (2) pay the full
17 \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50
18 administrative fee).

19 IT IS FURTHER ORDERED that, if Plaintiff's next application to proceed *in forma*
20 *pauperis* is incomplete, the Court will dismiss the case, without prejudice, for Plaintiff to
21 file a new case when he is able to acquire the necessary documents to file a complete
22 application to proceed *in forma pauperis*.

23 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
24 dismissal of this action may result.

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1 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
2 (ECF No. 1-1) but will not file it at this time.

3 DATED: April 28, 2020

4 Warren G. Cobb
5 UNITED STATES MAGISTRATE JUDGE
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